IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

OP.No. 22751 of 1998(H)

PETITIONERS:
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1. **SHAJAN, SON OF VARKEY,**
   MULLAKARIYIL HOUSE, PURAPUZHA,
   THODUPUZHA.

2. **MATHEW , SON OF JOSEPH,**
   MULAKARIYIL HOUSE,
   VELLIYAMATTOM, THODUPUZHA.

BY ADV. SRI.RAJAN JOSEPH

RESPONDENTS:
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1. **STATE OF KERALA REP.BY THE CHIEF**
   SECRETARY, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. **THE ASSISTANT EXCISE COMMISSIONER, ERNAKULAM.**

3. **THE EXCISE INSPECTOR, TRIPUNITHURA RANGE,**
   TRIPUNITHURA.

4. **KERALA STATE BEVERAGE (MANUFACTURING AND MARKETING)**
   CORPORATION LTD., THIRUVANANTHAPURAM,
   REP.BY IITS MANAGING DIRECTOR.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA
SRI.KARTHIKEYAN(AMICUS CURIAE)

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.40085/ 1998 IN OP. NO.22751/ 1998

DISMISSED

20.12.2006 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE NOTICE DT. 29.9.98 IN CR.NO.7/98 ISSUED BY THE 3RD RESPONDENT TO THE 1ST PETITIONER.

/TRTUE COPY/

tss

KURIAN JOSEPH, J.

O.P.No.22751 OF 1998

Dated this the 20th day of December, 2006

J U D G M E N T

Since the date of occurrence of the alleged offence is prior to 5.3.1998, there shall be no further proceedings against the petitioners pursuant to Ext.P1, in the light of the decision of this court reported in **Sunil v. State of Kerala** [2006(2)KLT 851].

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ps

KURIAN JOSEPH, J.

O.P.No.22751/1998

JUDGMENT

20th December, 2006